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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KEVIN C. KRAUS, GREG BALDAUF,
and MARK A. CATERINO

Appeal 2016-006202
Application 13/618,430¹
Technology Center 2400

Before JOHNNY A. KUMAR, KIMBERLY McGRAW, and
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ Appellants identify Schlage Lock Company as the real party in interest. App. Br. 2.

STATEMENT OF THE CASE

The Invention

Appellants' invention is directed to a system that allows users to remotely monitor and control devices in a home, such as door locks, cameras, or appliances, through the Internet or by their mobile devices. *See* Spec. ¶¶ 2, 59. The home devices are connected to a radio-frequency mesh network and a gateway couples the radio frequency mesh network to the Internet. *Id.* at ¶ 2.

Exemplary independent claim 1 is reproduced below.

1. A gateway for transmitting signals between a computer network and a radiofrequency mesh network, comprising:

a housing;

a radio-frequency transceiver;

an Internet Protocol transceiver, operatively coupled to the radiofrequency transceiver;

a power supply; and

a controller configured

to communicate with the computer network via the Internet Protocol transceiver using a secure data connection, and

to communicate with a plurality of devices in the radio-frequency mesh network via the radio-frequency transceiver,

wherein the gateway and the plurality of devices in the radio-frequency mesh network each act as a communication node that can directly send and receive packets of information to any other device of the plurality of devices in the radio-frequency mesh network.

References and Rejections

1. Claims 1–6 and 8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rappaport (US 2005/0042999 A1, Feb. 24, 2005) and McCarthy (US 2008/0092199 A1, Apr. 17, 2008).
2. Claims 9–13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rappaport, McCarthy, and Tran (US 2007/0290793 A1, Dec. 20, 2007).
3. Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Rappaport, McCarthy, and Ransom (US 2005/0144437 A1, June 30, 2005).
4. Claims 14–17 and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rappaport, Tran, and Ruuska (US 2008/0200120 A1, Aug. 21, 2008).
5. Claims 18 and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rappaport, Tran, Ruuska, and Bhanote (US 2007/0260475 A1, Nov. 8, 2007).

ANALYSIS

Claim 1

Appellants argue the proposed combination of Rappaport and McCarthy is improper because it would require modifying Rappaport's personal area network from a tree network topology to McCarthy's peer-to-peer mesh network topology. Br. 8. According to Appellants, one of the purposes of Rappaport's UWB repeater devices is to filter wireless traffic between UWB repeater devices in the personal area network which would require all data to be transmitted through Rappaport's UWB devices. *Id.*

Thus, according to Appellants, Rappaport's UWB repeater devices require a tree topology and modifying the network to a peer-to-peer mesh network topology would render Rappaport's UWB repeater device unsatisfactory for its intended purpose. Br. 8–9.

We are unpersuaded of Examiner error. Rappaport explains that its UWB repeater devices:

serve[] to “repeat” data signal coming from one or many devices so that other devices, located farther away from the “source” will be able to access the internet . . . or other broadband “plant” source via the repeater. This will obviate the need for any wiring whatsoever in homes and offices.

Rappaport ¶ 44. Further Rappaport explains that the UWB repeater has the additional advantage of suppressing data that is not part of the network such as data originating from neighbors (noise) or from malicious attackers. *Id.* at ¶¶ 45, 49, 50, 65. Thus, the primary purpose of Rappaport's UWB repeater to is to repeat data signals so that devices farther away from the source may still receive them. The ability to suppress unwanted signals from outside the network is an added advantage but not necessarily the primary purpose of Rappaport's UWB device. Further, Rappaport does not state that the network must necessarily be configured in a tree topology to benefit from this advantage, nor does Rappaport state that all traffic must flow through the UWB repeater. Additionally, Appellants do not present persuasive evidence that Rappaport's network could not be modified to be configured as a mesh network or that such a conversion would be beyond the knowledge or skill of the ordinary artisan.

Thus, we are not persuaded that the combination of Rappaport and McCarthy is improper. Accordingly, we sustain the Examiner's rejection of

claim 1. We also sustain the Examiner’s rejection of claims 2–13, for which Appellants do not present arguments for separate patentability. *See* Br. 9.

Claim 14

Appellants argue “Ruuska does not teach or suggest any relationship between activation of the fast oscillator and completion of synchronization.” Br. 10. Appellants further argue “[t]he fact that a transaction may occur sometime after the Ruuska’s wireless communication device completes synchronization does not imply or suggest that the fast oscillator is activated *in response to* completing the synchronization.” Br. 10.

We are unpersuaded by Appellants’ argument because it is incommensurate with the scope of the claim. Claim 14 recites “increasing radio signal power of a lock device transceiver associated with the lock device in response to successfully completing the synchronization.” The claim language does not require that the increase in power occur *directly* in response to the synchronization, or *immediately after* the synchronization. Appellants do not dispute the Examiner’s finding that Ruuska teaches increasing radio signal power due to initiation of certain transactions, nor do they dispute that such an increase occurs after synchronization takes place. *See id.*; *see also* Ans. 4–5. Thus, under the broadest reasonable interpretation of claim 14, Appellants’ arguments do not persuasively rebut the Examiner’s findings that because Ruuska discloses increasing radio signal power after transactions that require synchronization, Ruuska teaches or suggests increasing radio signal power in response to completing synchronization.

Accordingly, we sustain the Examiner's rejection of claim 14. We also sustain the Examiner's rejections of claims 15–20, for which Appellants do not present arguments for separate patentability. *See* Br. 11.

DECISION

The Examiner's rejections of claims 1–20 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED